

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

January 21, 2015

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Wednesday, January 21, 2015 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

1. CALL TO ORDER:

Chairman Roberts called the meeting to order at 7:04 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):

Vice Chairman Harley called the roll as follows:

Member Name	Present	Absent	Excused
Richard Roberts, Chairman	✓		
Thomas Harley, Vice Chairman	✓		
Antonio Margiotta, Clerk			✓
James Hughes			✓
George Oickle	✓		
Joseph Hammer			✓
Anthony Homicki			✓
Angelo Robert Fazzina			✓
Thomas Dean	✓		
Alex Vasel (alternate)	✓		
Leigh Standish (alternate)	✓		
Ryan Allard (alternate)			✓

Also present were: Peter Gillespie, Town Planner/Economic Development Manager; and Denise Bradley, Assistant Planner

Members of the Public were present.

Chairman Roberts noted at the time of roll call there were four (4) full members and two (2) alternate members in attendance. All members will be participating.

2. OLD BUSINESS:

2.1 C.G.S. 8-24 Review Dedication of land for right-of-way purposes (Wilkus Farm Property, Old Reservoir Road and Whippoorwill Way).

Peter Gillespie gave the Commission an overview of the parcel of land which was deeded to the Town in 1980 and noted a series of legal actions taken between 1991 and 1997. Mr. Gillespie noted the legal opinion from the Town Atty., dated January 21, 2015, stating that because the Town did not take action to void the subdivision, it remains valid. He mentioned the work previously done on the wetlands under an old permit which has since expired. Any additional wetlands activity would be subject to new permits.

Commissioner Oickle inquired and Mr. Gillespie indicated the Right of Way on Reservoir Road would be fully constructed following the original intent of the subdivision provided the triangular parcel of land from the Wilkus property was approved for this use.

Commissioner Dean inquired and Mr. Gillespie indicated the Commission was being asked to make a motion with language regarding the extension of Old Reservoir Road and Whippoorwill Way and the dedication of the Wilkus Farm triangular parcel of land together with the other lands previously assembled by the Town for the extension of Old Reservoir Road and Whippoorwill Way for road purposes, the odds and ends of which are needed to report to the Town Council.

Commissioner Oickle inquired and Mr. Gillespie indicated that historically all road completion would be necessary prior to issuance of any Certificate of Occupancies from the Building Department for all new residences on these roads. He also indicated the conservation easement plan as set by the Inland Wetlands Commission were left unresolved and could be worked into the agreement. Commissioner Oickle noted concern for sidewalks and the lack of on either road currently. Mr. Gillespie indicated the issues was not resolved in prior discussions and could also be noted in the agreement.

Commissioner Dean inquired and Mr. Gillespie indicated the motion could be worded as such to the satisfaction of the Commission with their report identifying outstanding issues to be dealt with by the Town Council.

Chairman Roberts noted the parcel of land is already owned by the Town and was already dedicated with the Right of Way in mind.

Commissioner Oickle inquired and Mr. Gillespie indicated the lots size was determined in 1980 and had not been changed. He noted the additional properties as part of the Reservoir Estates are individually owned and that subdivision would be subject to further research.

Chairman Roberts noted that the subdivision remained valid because the Town did not take action to void it. Mr. Gillespie indicated there had been an effort by the developer at one point to void the subdivision but the Town did not come to an agreement.

Commissioner Standish noted the owner has been paying taxes on the subdivided lots.

Motion: Commissioner Oickle made a motion to issue a positive referral for C.G.S. 8-24 review of the dedication of certain lands to be used for highway purposes. The property in question is a triangular shaped piece of the larger Wilkus Farms Open Space property acquired by the Town in 2010 and is 3,029 s.f. in area. The Commission also reviewed the proposed extension of Old Reservoir Road and Whippoorwill Way as previously assembled by the Town for the extension of Old Reservoir Road and Whippoorwill Way for road purposes.

The Commission also reported that there are various unresolved matters associated with the Ireland Estates subdivision originally approved by the Town in 1980 that may require further resolution by the Planning and Zoning Commission:

1. Performance Bond
2. Updated erosion and sediment control plan
3. Inspections and approval of work completed to date (Town and MDC)
4. Open Space deed
5. Timing of building permits
6. Temporary cul-de-sac
7. Conservation Easements
8. Sidewalks
9. Mylars

Second: Commissioner Dean seconded the motion.

Discussion:

Commissioner Standish inquired and Mr. Gillespie indicated the Town would be the beneficiary of the open space deed as indicated in drawings.

Aye: Roberts, Harley, Oickle, Dean, Vasel, Standish;

Nay: None;

Vote: 6-0.

Motion Carries.

3. NEW BUSINESS:

3.1 APPLICATION NO. 1852-15-Z Joseph Moruzzi Seeking Site Plan & Design Review in accordance with Section 6.2 of the Wethersfield Zoning Regulations for a parking lot expansion and associated landscaping & site improvements at Hewitt Street Rear & 1267-1309 Silas Deane Highway.

Kevin Johnson of Close, Jensen and Miller and Joe Moruzzi, owner of 1267-1309 Silas Deane Highway appeared before the Commission regarding this Application.

Mr. Johnson oriented the Commission to the property layout surrounding Buffalo Wild Wings within the Goof Brook Shopping Plaza. He recapped the area which was approved by the Commission for a zone change at the October 7, 2014 meeting. The proposed parking is the same as the conceptual plan presented at that meeting with the exception of the parallel parking in the rear of the building. Following meetings with the Fire Marshal, it was determined those spaces posed a hazard in the event of an emergency and thus have been eliminated leaving only four (4) parallel spaces in the extreme west end along the north property line. With seventy (70) spaces along the western boundary, this makes a total of seventy-four (74) proposed spaces.

Commissioner Oickle inquired and Mr. Johnson indicated the spaces have already been removed in the rear. He noted there is enough parking overall on the parcel and the attempt was to move employee parking to the rear of the plaza.

Mr. Johnson noted the proposed catch basins and new drainage piping to tie into the existing storm drain system along the western curb line for the property. He indicated they would be relocating four (4) existing light poles in the rear and three (3) existing light poles on the north side. Lighting on the north side will be shielded from neighbors. Mr. Johnson indicated plans for new landscaping with trees and shrubs of various species for better coverage and a substantial buffer planting to the north. They are seeking four (4) waivers as they pertain to landscaping. They are seeking a reduction in island size as well as a reduction in the number trees within islands. Mr. Johnson indicated due to the smaller size of existing islands and limited space there is insufficient room for larger vegetation to grow.

Commissioner Oickle noted a significant difference in the articles required versus what is being proposed for the site. Mr. Johnson acknowledged that difference but noted calculations are based on the entire plaza. The existing islands are narrow and unsuitable for trees to survive in.

Mr. Johnson indicated they did receive approval from the Inlands Wetlands Commission subsequent to the zone change and received a memo with staff comments from Mike Turner, Town Engineer, and those comments have been addressed. He noted that on December 4, 2014 a memo was sent out by Mike Turner with five (5) points that became conditions of approval by the Inlands Wetlands Commission.

Commissioner Oickle inquired and Mr. Johnson indicated the dumpsters have been relocated to the rear of the building but have not been screened.

Mr. Gillespie noted the public does not use the rear of the building and there is also a significant buffer between the dumpsters and the residents in the rear. He indicated Mr. Turner's intent to leave the final decision to the Commission regarding screening dumpsters in the rear.

Commissioner Oickle inquired and Mr. Gillespie indicated the existing fixtures on the rear which are being relocated are not full cut off. He noted Town staff have determine lighting to be sufficient and the Commission would be able to require shielding to protect neighbors on Hewitt Street.

Chairman Roberts inquired and Mr. Johnson indicated the parcel subject to zone change will be combined with the parcel for the plaza.

Commissioner Standish indicated Town staff could determine appropriateness of shielding lights for the property.

Commissioner Oickle inquired and Mr. Moruzzi indicated he has no immediate plans to repave the northern portion of the parking. He did indicate his interest in adding another pad building to the site as a long term goal and would consider repaving the lot at that point in time.

Commissioner Dean inquired and Mr. Johnson indicated the site plan has only addressed shielding lights on the rear but does not address adequacy of that lighting. Commissioner Dean inquired and Mr. Johnson indicated they could investigate adding low shrubbery to the front islands. Mr. Moruzzi indicated the pavement is directly below only allowing for six (6") inches of dirt in which to plant.

Commissioner Dean mentioned the possibility of a decorative non-organic.

Commissioner Oickle noted the ornamental grasses are doing well. Mr. Moruzzi indicated he would inquire with the nursery staff what will grow best in those areas

Commissioner Dean would like to see some mitigation efforts indicating sensitivity to the lack of vegetation being requested in the waivers.

Discussion ensued regarding the long term goals for progressively complying with the landscape requirements over a period of time.

Commissioner Oickle indicated the entrance and exit driveways are confusing in dark and need better signage. He inquired and Mr. Moruzzi indicated he will clean out the drainage swale.

Chairman Roberts agrees with previous statements that this site is a work in progress and they are slowly coming into compliance

Motion: Vice Chairman Harley made a motion to approve **APPLICATION NO. 1852-15-Z Joseph Moruzzi** Seeking Site Plan & Design Review in accordance with Section 6.2 of the Wethersfield Zoning Regulations for a parking lot expansion and associated landscaping & site improvements at Hewitt Street Rear & 1267-1309 Silas Deane Highway with the following stipulations:

1. Work with staff on lighting issues as discussed, particularly shielding and adequacy along the north side.
2. Work to improve existing site landscaping.
3. Review with staff adequacy of directional signage.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Oickle, Dean, Vasel, Standish;

Nay: None;

Vote: 6-0.

Application Approved.

Motion: Vice Chairman Harley made a motion to approve **APPLICATION NO. 1852-15-Z Joseph Moruzzi** Seeking Site Plan & Design Review in accordance with Section 6.2 of the Wethersfield Zoning Regulations for a parking lot expansion and associated landscaping & site improvements at Hewitt Street Rear & 1267-1309 Silas Deane Highway with the following landscape waivers:

1. Article 6.1.G.1
2. Article 6.1.G.2
3. Article 6.1.G.3
4. Article 6.1.G.5

Second: Commissioner Standish seconded the motion.

Aye: Roberts, Harley, Oickle, Dean, Vasel, Standish;

Nay: None;

Vote: 6-0.

Waivers Approved.

4. OTHER BUSINESS:

MINUTES – January 6, 2014. Planning & Zoning Commission Meeting Minutes

Motion: Commissioner Oickle motioned to table the January 6, 2014 minutes.

Second: Commissioner Dean seconded the motion.

Aye: Roberts, Harley, Oickle, Dean, Vasel, Standish;

Nay: None;

Vote: 6-0.

Minutes for the January 6, 2014 meeting tabled.

6. STAFF REPORTS:

6.1 Discussion regarding 15 Stonegate Drive.

Mr. Gillespie referred to a staff report that he prepared, dated January 16, 2015, as requested by the Commission. He also provided the Commission with drawings approved by the Commission in 2010 as well as those submitted and approved for the building permit in 2014. He noted the packet of information received by each of the Commissioners independent of Town staff. There was also correspondence from the current builder, Reed Builders, summarizing the intent behind various windows. He indicated the builder and homeowner were present to answer questions and also made note that the neighbor, Ms. Andrews was not present. Mr. Gillespie summarized the history of the property and why it has been brought to the Commission as a concern as it stemmed from a condition of a re-subdivision approval in 2007.

Vice Chairman Harley inquired and Mr. Gillespie indicated the building permit has been issued and work is ongoing at the location. Mr. Gillespie noted he has informed the homeowner and builder about the concerns being raised. Vice Chairman Harley noted the windows indicated on the plan are higher in wall space and thus not visible with the exception of one in the staircase landing. He questioned the door and Mr. Gillespie noted there were no stipulations made regarding doors.

Commissioner Standish referred to the approved four (4) window plan from 2007 and indicated concern for the neighbor's privacy with the addition of the door and the location of the windows in the stairway suggesting the Commission require removal of that window along with stipulating a solid door.

Commissioner Dean noted his trepidation over the Commission becoming involved in architectural design review. He feels the bulk of the windows to be clear story to emit light into the home, not to be used for viewing purposes to spy on neighbors. He indicated this to be a dispute that should not involve the Commission.

Chairman Roberts indicated he was present in 2007 and was uncomfortable then with the idea of micromanaging windows on a house. He mentioned the condition was beyond the scope of jurisdiction at that time and would still be today.

Commissioner Standish indicated since it was a condition of the subdivision, the Commission should remain involved.

Shaw Hussey, owner of Reed Builders LLC appeared before the Commission. He indicated that Ms. Andrews had invited him into her home to discuss the windows. In his conversation with her, she told him that four (4) large windows would be more obtrusive than the six (6) smaller windows being installed. The homeowners have no intent on invading the privacy of the neighbor and Mr. Hussey indicated that four (4) of the six (6) windows will have window treatments immediately because the homeowners privacy is at stake as well. He indicated a willingness to work with the neighbor regarding these issues and others that may arise. The home will have two (2) central AC condensers which Ms. Andrews has indicated a preference to not having them on the side facing her home. While there are no building or zoning violations which would prohibit the installation of these units on that side, the builder has been willing to work with Ms. Andrews to locate them elsewhere. Mr. Hussey made the suggestion to swap out the basement egress glass paneled door with integral blinds (mini blinds sandwiched in glass) which would offer additional privacy. He indicated that while it would be beneficial to the homeowner for security reasons, they have declined to install any motion activated lights on side of the house facing 21 Stonegate. He feels he has been more than willing to work with Ms. Andrews regarding these issues and that at this point it may just be an owner to owner problem.

Commissioner Oickle indicated that in a memo from Ms. Andrews, she felt the homeowners should have approached her regarding these issues which is exactly what Mr. Hussey is doing. He also noted the Commission could choose to rescind their stipulations altogether which would allow the builder to do as he pleases. He indicated that there are ample windows on all other sides to accommodate light and he urged the builder to continue working with the neighbor.

Mr. Hussey indicated he would keep Mr. Gillespie up to date on conversations with the neighbor and this was satisfactory to Mr. Gillespie. Mr. Hussey felt he made a number of concessions to accommodate Ms. Andrews.

Jeff Bridges, Town Manager, asked the Commission if the current plan under construction was consistent with the restrictions imposed by the Commission.

Commissioner Oickle inquired and Mr. Gillespie indicated there was a desire to not have the controversy continue. Commissioner Oickle suggested having them return in a month.

Mr. Bridges did not feel this was reasonable as the town staff have been forced to consume tremendous amounts of time on the interpretation of what windows mean. He asked that if the Commission had reached a consensus at the last meeting that what is being constructed is consistent with the restrictions, that they state that now.

Commissioner Oickle indicated he was not in favor of the current plan.

Commissioner Vassel inquired and Mr. Gillespie indicated the square footage of the 2010 approval was 103.45 sq. ft. and the current plan is for only 60 sq. ft. He noted the current windows are not designed to be looked out the way the previously approved windows were.

Discussion ensued regarding FOI (Freedom of Information) Requests forced upon town staff regarding the number of windows.

Mr. Bridges requested the Commission clarify the issue at hand.

Commissioner Dean indicated a recommendation that it be noted within the minutes that the Commission's position amounts to substantial compliance of the Commission's determination from 2010.

Commissioner Standish inquired and Mr. Gillespie indicated that adding the basement door to the square footage of viewable space will only amount to 78 sq. ft. total and it will remain a door, not a window.

Mr. Bridges inquired if the Commission was of the consensus that the restriction was based upon square footage noting that staff could work with that consensus.

Commissioner Roberts inquired and Mr. Hussey indicated he would install a door with integral blinds and would be committed to working with the neighbor. He noted window is a vague term and that one of the windows to the rear of the home is over 50 sq. ft. and if he chose to install four (4) of those windows facing 21 Stonegate, it would be over 200 sq. ft. of glass and would meet the criteria stipulated in 2007. He pointed out that 21 Stonegate has seven (7) windows directly facing 15 Stonegate as does the neighbor at 7 Stonegate, yet 15 Stonegate has been limited.

Chairman Roberts indicated the windows are consistent with the intent of the Commission's stipulation and that the reduced coverage remains consistent even if the wording is ambiguous.

Mr. Gillespie indicated that onset of the issue was regarding the door at the ground level and if the blind issue can be worked out with the neighbor the other issues should also dissipate.

Commissioner Oickle indicated he was not ready to agree to anything tonight but suggested a report in three (3) weeks to resolve the issue.

Vice Chairman Harley indicated that only three (3) of the Commissioners present could speak to the intent of the original stipulations but he is comfortable with the intent of the six (6) present windows.

Discussion ensued regarding intent of the windows and changes made from 2007 to the currently approved plan.

Mr. Hussey inquired if the Commission would like a written agreement signed by both parties.

Mr. Gillespie indicated the willingness of the builder to work with the neighbor should be sufficient and the issue should not need to return to the Commission.

Discussion ensued regarding what actions the Commission could take.

Mr. Hussey commented that in his meeting with Ms. Andrews he presented her with the scenario that there is no building code which prevents him from adding as many doors as he chooses and a wraparound deck which would abut her home while remaining within the building line. He noted this was a unique stipulation.

Chairman Roberts indicated that Mr. Hussey's proposal is consistent with the stipulations.

Commissioner Standish insisted the original plan with four (4) windows approved in 2007 are what has been approved. Chairman Roberts noted the plan was modified in 2010 and wished the builder good

luck.

6.2 On a different matter, Mr. Gillespie indicated there is a package store interested in expanding which will be coming before the Commission in the future.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING:

Frank DiBacco, 126 Col Chester Drive, appeared before the Commission. He owns seven (7) lots in the land locked subdivision off Old Reservoir Road and spoke in favor of triangular piece of road being approved for use as a Right of Way.

Chairman Roberts indicated that the Commission had given a positive referral to the Town Council to transfer that parcel for road use.

8. CORRESPONDENCE:

8.1 A Save the Date Invitation to attend the CFPZA Annual Conference on March 26, 2015 at the Aquaturf, Southington.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

9.1 PUBLIC HEARING APPLICATION NO. 1851-14-Z 530 Silas Deane Associates LLC Seeking a Special Permit in accordance with Section 5.3 of the Wethersfield Zoning Regulations for outdoor storage container at 530 Silas Deane Highway.

10. ADJOURNMENT:

Motion: Commissioner Oickle motioned to adjourn the meeting at 8:45pm.

Second: Commissioner Dean seconded the motion.

Aye: Roberts, Harley, Oickle, Dean, Vasel, Standish;

Nay: None;

Vote: 6-0.

Meeting adjourned.

Respectfully submitted,
Lindsay Schmitt, Recording Secretary